

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ARTURO S. MEDRANO, #1894196,)	
Petitioner,)	
vs.)	No. 3:20-CV-0860-B (BH)
)	
LORIE DAVIS, Director,)	
Texas Department of Criminal)	
Justice, Correctional Institutions Division,)	
Respondent.)	Referred to U.S. Magistrate Judge

ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE


The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case. Petitioner Arturo Medrano (“Defendant”) filed objections, and the Court has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made.

Defendant objects to the FCR on the grounds that: (1) his 28 U.S.C. § 2241 petition conforms to the Federal Criminal Code and Rules and the Court failed to specify any deficiency of the petition; and (2) § 2241 allows him to seek habeas corpus relief from his state court judgment. (See doc. 6.) Contrary to his objections, Defendant was notified on April 15, 2020 that his petition, construed as a 28 U.S.C. § 2254 petition, was deficient because it was not filed on the appropriate form for that type of action. (See doc. 4.) Because Defendant is currently in state custody and is challenging his underlying state court conviction, the appropriate avenue for doing so in a habeas petition is through § 2254. See, e.g., *Miller v. Stephens*, No. 2:14-CV-0103, 2017 WL 3142402, at *3 (N.D. Tex. June 15, 2017) (“So while § 2241 does grant authority to district courts to consider state court prisoner’s habeas claims, that authority is subject to the restrictions and limitations found in the more specific statutory provisions of § 2254 in cases where the person is in custody pursuant

to a State court judgment.") (emphasis in original) (citing *Felker v. Turpin*, 518 U.S. 651, 662 (1996)).

Defendant's objections are overruled and, in accordance with 28 U.S.C. § 636(b)(1), the Court is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court. The case will be dismissed by separate judgment for failure to prosecute or follow court orders.

SIGNED this 18th day of June, 2020.



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE